



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE

United States Patent and Trademark Office

Address: COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, Virginia 22313-1450

www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,485	02/10/2004	Seiichi Katano	49987-1002	3224
29989 7590 10/16/2008 HICKMAN PALERMO TRUONG & BECKER, LLP 2055 GATEWAY PLACE SUITE 550 SAN JOSE, CA 95110				
EXAMINER TESLOVICH, TAMARA				
ART UNIT		PAPER NUMBER		
2437				
MAIL DATE		DELIVERY MODE		
10/16/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/776,485

Applicant(s)

KATANO, SEIICHI

Examiner

Tamara Teslovich

Art Unit

2437

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 July 2008 and 12 August 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3,8,9,11,15 and 16 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3,8,9,11,15 and 16 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 08/12/08.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submissions filed on July 30, 2008 and August 12, 2008 have been entered.

Claim 1 is amended.

Claims 4-7, 10, 12-14, and 17-28 remain cancelled.

Claims 1-3, 8-9, 11, and 15-16 are pending and herein considered.

Response to Arguments

Applicant's arguments with respect to the Examiner's 35 U.S.C. 102(e) rejections of claims 1-3, 8-9, 11 and 15-16 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1-3, 8-9, 11, and 15-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication No. 2004/0193896 A1 to Kotaro Kaneko and further in view of United States Patent Application Publication No. 2002/0171546 A1 to Evans et al.

As per **claim 1**, Kaneko teaches a multi-function peripheral device () comprising:

- a network interface configured to allow the multi-function peripheral device to communicate with network devices over a network (pars 16, 26-28);
- one or more processors (pars 14-15);
- a scan process configured to scan one or more documents at the multi-function peripheral device (par 27);
- a print process configured print one or more documents at the multi-function peripheral device (pars 27, 39, 64, 71); and
- the virus protection process executing in the memory and being configured to perform the steps of:
 - examine data stored on non-volatile memory of the multi-function peripheral device (pars 30, 35, 37);
 - based on examining the data, detect that one or more unauthorized instructions are stored on the non-volatile memory of the multi-function peripheral device (pars 30, 35, 37-38); and

in response to detecting that the one or more unauthorized instructions have been stored on the non-volatile memory of the multi-function peripheral device:

perform one or more actions to address the one or more unauthorized instructions that have been stored on the non-volatile memory of the multi-function peripheral device (pars 30, 35).

Kaneko fails to specifically teach wherein a graphical user interface is configured to allow for the exchange of information between the multi-function peripheral device and a user wherein the information comprises configuration data for a virus protection process that includes attributes that the user specifies to configure the virus protection and wherein the examination of data stored on non-volatile memory of the MFP is based upon the configuration data for the virus protection process and wherein the performance of the one or more actions to address the one or more unauthorized instructions that have been stored on the non-volatile memory of the MFP is based upon the configuration data for the virus protection process.

Evans teaches a universal customizable security system for computers and other devices wherein a graphical user interface is configured to allow for the exchange of information between the multi-function peripheral device and a user wherein the information comprises configuration data for a virus protection process that includes attributes that the user specifies to configure the virus protection (pars 7, 11, 12, 15) and wherein the examination of data stored in memory is based upon the configuration data for the virus protection process (pars 11, 12, 13, 14) and wherein the performance

of actions to address unauthorized instructions that have been stored in memory is based upon the configuration data for the virus protection process (pars 7, 8, 13, 14).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to include within Kaneko's MFP device the GUI interface and configuration data as described in Evans to provide for more customized security protection while simplifying the process for the everyday user by using a user-friendly GUI.

As per **claim 2**, the combined device of Kaneko and Evans teaches the multi-function peripheral device as recited in Claim 1, wherein the virus protection process is configured to

detect that the one or more unauthorized instructions have been stored on the multi-function peripheral device by periodically examining, according to the configuration data, data stored on the multi-function peripheral device to determine whether the data has been modified in an unauthorized manner (Kaneko pars 36-38, 40-42, 72-73).

As per **claim 3**, the combined device of Kaneko and Evans teaches the multi-function peripheral device as recited in Claim 1, wherein the virus protection process is configured to

detect that the one or more unauthorized instructions have been stored on the multi-function peripheral device by examining and detecting the modification of data that one or more data files stored on the multi-function peripheral device, wherein the data is

selected from the group consisting of one or more data files, program code, and configuration data have been modified (Kaneko pars 36-38, 40-42, 72-73).

As per **claim 8**, the combined device of Kaneko and Evans teaches the multi-function peripheral device as recited in Claim 1, wherein the virus protection process is further configured to

undo changes made as a result of execution of the one or more unauthorized instructions (Kaneko pars 85-87).

As per **claim 9**, the combined device of Kaneko and Evans teaches the multi-function peripheral device as recited in Claim 1, wherein the virus protection process is further configured to:

determine whether particular data stored on the multi-function peripheral device can be restored to a prior state and in response to determining that the particular data cannot be restored to the prior state, then delete the particular data from the multi-function peripheral device (Kaneko pars 85-87).

As per **claim 11**, the combined device of Kaneko and Evans teaches the multi-function peripheral device as recited in Claim 1, wherein the virus protection process is further configured to

provide a notification user via the graphical user interface on the multi function peripheral device that the storage of the one or more unauthorized instructions on the

multi-function peripheral device has been detected, wherein the notification is selected from the group consisting of displaying information on the graphical user interface on the multi-function peripheral device, printing a report on the multi-function peripheral device, sending an email from the multi-function peripheral device, and sending a facsimile from the multi-function peripheral device (Kaneko pars 88-89).

As per **claim 15**, the combined device of Kaneko and Evans teaches the multi-function peripheral device as recited in Claim 1, wherein

the multi-function peripheral device is configured to receive, over a network, data used by the virus protection process to detect that the one or more unauthorized instructions have been stored on the multi-function peripheral (Kaneko par 94).

As per **claim 16**, the combined device of Kaneko and Evans teaches the multi-function peripheral device as recited in Claim 1, wherein:

the one or more unauthorized instructions are contained in a file stored on a portion of the non-volatile memory (Kaneko pars 84, 87);

the one or more actions includes deleting the file (Kaneko par 87); and

the virus protection process is further configured to, after deleting the file, overwrite the portion of the non-volatile memory with a specified pattern (Kaneko par 95).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tamara Teslovich whose telephone number is (571) 272-4241. The examiner can normally be reached on Mon-Fri 8-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Emmanuel Moise can be reached on (571) 272-3865. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamara Teslovich/
Examiner, Art Unit 2437

/Emmanuel L. Moise/
Supervisory Patent Examiner, Art Unit 2437